

U.S. Patent Application Serial No. 10/645,849  
Amendment filed March 19, 2009  
Reply to OA dated December 19, 2008

### **REMARKS**

Claims 1, 7, and 24 have been amended, claim 59 has been newly added, and claim 22 has been canceled without prejudice or disclaimer as to its subject matter, in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated December 19, 2008.

The language of claim 7 has been amended in order to obviate the outstanding objection thereto.

As to the merits, the following rejections are set forth in the outstanding Action:

- (1) claim 22 stands rejected under 35 USC §102(b) based on Liu;
- (2) claims 1, 3, 5, 7, 9, 16, 19 and 24 - 29 stand rejected under 35 USC §103(a) based on Liu in view of “the AAPA,” and further in view of Inoue; and
- (3) claim 11 stands rejected under 35 USC §103(a) based on Liu in view of “the AAPA” and Inoue, and further in view of Marshak.

The applicants respectfully request reconsideration of these rejections.

U.S. Patent Application Serial No. 10/645,849  
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First, as to the outstanding anticipation rejection, claim 22 has been canceled without prejudice or disclaimer. Thus, the anticipation rejection is now moot; and the withdrawal of the rejection under 35 USC §102(b) based on Liu is in order, and is therefore respectfully solicited.

Second, as to the outstanding obviousness rejections, the applicants' claimed invention, as now recited in the claims filed herewith (including amended independent claims 1 and 24), includes the reproducing-condition changing section being independent of the change condition selecting section. With such a claimed structural arrangement, since the mode changing operation of the claimed reproducing-condition changing section (120 including the touch sensor 121 for scratching operation) is conducted by the claimed change condition selecting section (quick return button 115) independent of the reproducing-condition changing section, even when vigorous scratching operation is conducted on the touch sensor 121, unexpected function switching does not occur.

To the contrary, Inoue discloses a minidisk recorder/player in which a jog dial 27 is pushed in order to change the operation mode thereof. In other words, in order to change the operation mode of the jog dial, the jog dial itself has to be operated. The above-discussed claimed structural arrangements or features are distinguishable over such teachings in Inoue.

U.S. Patent Application Serial No. 10/645,849  
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In other words, in a scratching player as set forth in the claims filed herewith, since the touch sensor is often subjected to frequent and vigorous operations, it is not at all desirable to provide a mode changing operation function on a device of which mode is to be changed, as in the teachings of Inoue. Accordingly, persons skilled in the pertinent art would not have the motivation to incorporate the above-discussed teachings of Inoue in Liu's scratching player. Furthermore, the teachings suggested in the outstanding Action to combine these references are not predictable for the reasons discussed above.

As to the remaining secondary references (namely, "the AAPA" and Marshak), the teachings of these references are narrowly relied upon by the Examiner in such a way that they would not supplement the above-discussed teachings of Inoue and Lin in failing to fully meet the applicants' claimed invention, as now recited in the claims filed herewith.

Accordingly, the withdrawal of the outstanding obviousness rejections under 35 USC §103(a) is in order, and is therefore respectfully solicited.

Applicants respectfully submit that the newly added claim 59 is believed to be allowable over the art relied upon by the Examiner by virtue of its dependency.

U.S. Patent Application Serial No. 10/645,849  
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In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below in order to arrange for an interview so as to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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